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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,652	10/31/2003	Timothy D. Wildman	8266-1154	3774

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,652

Applicant(s)

WILDMAN ET AL.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-30 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 14 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/31/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Knippscheer (US Patent No. 5,202,666) (cited by the applicant).

Claim 1:

Knippscheer discloses a method of monitoring hygiene compliance, comprising:
determining whether a person has encountered a monitored piece of equipment (a washroom),
and updating status information associated with the person to indicate that the person is
contaminated in response to the determining step determining that the person has utilized the
monitored piece of equipment. Col. 1, line 58-60 and also, col. 4.

Claim 2:

The monitored piece of equipment, such as a toilet in the washroom, is associated with
being contaminated.

Claim 3:

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Knippscheer also discloses determining whether the person has utilized a decontamination station and updating status information associated with the person to indicate that the person is decontaminated in response to determining that the person has utilized the decontamination station. Col. 1, line 63- col. 2, line 2. Also, col. 4.

Claim 4:

Knippscheer discloses a method of monitoring hygiene compliance, comprising the steps of:

- a. monitoring a person (such as to determine if that person enter a washroom)
- b. monitoring an object (a washroom door) associating a status with the person, the status being one of contaminated and non-contaminated; and
- c. associating a status with the object, the status being one of contaminated and non-contaminated.

Claim 5:

The method in Knippscheer further comprises establishing at least one contamination zone (the washroom), wherein the person is associated with a status of contaminated if the person enters a contamination zone.

Claim 6:

The method in Knippscheer further comprises establishing at least one contamination zone, which is the washroom, wherein the object is associated with a status of contaminated if the object enters a contamination zone.

Claim 7:

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In Knippscheer, the person is associated with a status of contaminated when the person encounters an object associated with a status of contaminated.

Claim 8:

In Knippscheer, the object is associated with a status of contaminated when the object encounters a person associated with a status of contaminated.

Claim 9:

In Knippscheer, the person is associated with a status of non-contaminated when the person encounters a decontamination device (soap dispenser), and the object is associated with a status of not contaminated when the object encounters a decontamination device (soap dispenser detector).

Claim 10:

In Knippscheer, the person is considered to have encountered the decontamination device whenever that person is proximate the decontamination device.

Claim 11:

In Knippscheer, the person is considered to have encountered the decontamination device whenever that person is proximate the decontamination device and the decontamination device is activated.

Claim 12:

Knippscheer discloses a method of monitoring hygiene compliance, comprising the steps of:

- a. mentioning an object (a person)
- b. establishing at least one contamination zone (a washroom); and

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- c. updating status information associated with the object to indicate that the object (the person) is contaminated in response to the monitoring step determining that the object is in a contamination zone. Col. 4.

Claim 14:

Knippscheer discloses updating status information associated with the object to indicate that the object is contaminated in response to the monitoring step determining that the object has encountered a another object (the washroom), as the person enters the washroom that is associated with being contaminated.

Allowable Subject Matter

3. Claims 15-30 are allowable.
4. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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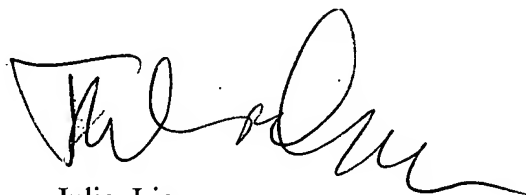
Shaw et al., US Patent No. 5,812,059 discloses method and system for improving hand cleanliness.

Evans et al., US Patent No. 5,610,589 disclose a method and apparatus for enforcing hygiene.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on Mon-Fri 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a stylized, flowing script.

Julie Lieu
Primary Examiner
Art Unit 2636

Sept. 29, 04